

AMENDED IN ASSEMBLY APRIL 5, 2000
AMENDED IN ASSEMBLY APRIL 3, 2000
AMENDED IN ASSEMBLY MARCH 27, 2000
AMENDED IN SENATE JANUARY 12, 2000
AMENDED IN SENATE JANUARY 4, 2000
AMENDED IN SENATE APRIL 29, 1999
AMENDED IN SENATE APRIL 5, 1999

SENATE BILL

No. 671

Introduced by Senators Chesbro, Burton, and Alpert and
Assembly Members Cardoza, Baugh, Florez, Rod Pacheco,
and Thompson

**(Principal coauthors: Senators Costa, O'Connell, Leslie,
Monteith, Perata, Haynes, Kelley, Morrow, ~~and Soto~~ Soto,
and McPherson)**

(Principal coauthors: Assembly Members Mazzoni, Wiggins,
Strom-Martin, Briggs, Cox, Frusetta, House, Machado,
Maldonado, Pescetti, Reyes, ~~and Thomson~~ Thomson, and
Leach)

February 24, 1999

An act to add and repeal Article 8 (commencing with
Section 6045) of Chapter 9 of Part 1 of Division 4 of the Food
and Agricultural Code, relating to agriculture, making an
appropriation therefor, and declaring the urgency thereof, to
take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 671, as amended, Chesbro. Pierce's disease.

Existing law generally provides for the eradication of pests that threaten this state's agriculture.

This bill would create the ~~continuously~~ ~~appropriated~~ Pierce's ~~disease~~ Disease Management Account within the Food and Agriculture Fund and would appropriate \$13,800,000 from the General Fund to this account for the purpose of research and other efforts to combat Pierce's disease, and its vectors, *and would provide that funds from federal, industry, and other sources would be available for those purposes without regard to fiscal year.* This bill would require that whenever, in any county, funds are allocated by the Department of Food and Agriculture, the funds shall be made available to a local public entity designated by that county's board of supervisors. Additionally, this bill would require that prior to receiving funds, the local public entity must create a Pierce's disease workplan that shall be approved by the department and contain specified elements. This bill would require the local entities to utilize funds allocated under these provisions for activities consistent with the approved workplan or other programs or workplans approved by the department. This bill would make these provisions inoperable on January 1, 2006, and would repeal these provisions on January 1, 2007, unless a later enacted statute deletes or extends these dates.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: ²/₃. Appropriation: yes. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Article 8 (commencing with Section
2 6045) is added to Chapter 9 of Part 1 of Division 4 of the
3 Food and Agricultural Code, to read:
4



Article 8. Pierce's Disease

6045. (a) The Legislature hereby finds and declares that *the plant killing bacterium, Xyella Fastidiosa and the resulting pathogen*, Pierce's disease, and its vectors present a significant threat to California's fifty billion dollar grape industry, as well as to many other commodities and plant life.

(b) There exists an ongoing need for at least fifteen million dollars (\$15,000,000) annually in research and programs to combat Pierce's disease and its vectors in California.

6046. (a) There is hereby created in the Department of Food and Agriculture the Pierce's Disease Control Program.

(b) The Governor shall appoint a statewide coordinator, and the secretary shall provide an appropriate level of support staffing and logistical support for combating Pierce's disease and its vectors.

(c) (1) There is hereby created the Pierce's Disease Management Account in the Food and Agriculture Fund; ~~which notwithstanding Section 13340 of the Government Code, is continuously appropriated for the purposes of this article.~~

(2) The account shall consist of money transferred from the General Fund under subdivision (d) and money made available from federal, industry, and other sources. *Money made available from federal, industry, and other sources shall be available for expenditure without regard to fiscal year for the purpose of combating Pierce's disease or its vectors.* State general funds to be utilized for research shall only be expended when the secretary has received commitments from nonstate sources for at least a 25-percent match for each state dollar to be expended.

(d) The sum of thirteen million eight hundred thousand dollars (\$13,800,000) shall be transferred from the General Fund into the account created by this article in the Department of Food and Agriculture Fund and shall be available for expenditure without regard to fiscal year for the purpose of combating Pierce's disease or its

1 vectors. Six million nine hundred thousand dollars
2 (\$6,900,000) shall be available for expenditure as of the
3 effective date of this section and six million nine hundred
4 thousand dollars (\$6,900,000) shall be available for
5 expenditure on January 1, 2001.

6 (e) The funds appropriated pursuant to this section to
7 the Food and Agriculture Fund for the purpose of
8 combating Pierce's disease and its vectors shall be used
9 for costs that are incurred by the state or by local entities
10 during and subsequent to the fiscal year of the act that
11 added this section for the purpose of research ~~and other~~
12 ~~efforts to combat~~, *detection, and control of* Pierce's
13 disease and its vectors.

14 (f) Whenever, in any county, funds are allocated by
15 the Department of Food and Agriculture for local
16 assistance regarding Pierce's disease and its vectors, those
17 funds shall be made available to a local public entity, or
18 local public entities, designated by that county's board of
19 supervisors.

20 (g) Funds appropriated for local assistance shall not be
21 allocated to the local public entity until the local public
22 entity creates a Pierce's disease workplan that is
23 approved by the department. Any funds allocated by the
24 department to a designated local public entity or
25 designated local public entity shall be utilized for
26 activities consistent with the local Pierce's disease
27 workplan or other programs or workplans approved by
28 the department. It shall be the responsibility of the
29 designated local public entity to develop and implement
30 the local Pierce's disease workplan. Upon request, the
31 department shall provide consultation to the local public
32 entity regarding its workplan.

33 (h) The workplan created by the designated local
34 public entity shall include, but is not limited to, all of the
35 following:

36 (1) In coordination with the department, the
37 development and delivery of producer outreach
38 information and training to local communities, groups,
39 and individuals to organize their involvement with the

1 workplan and to raise awareness regarding Pierce's
2 disease and its vectors.

3 (2) In coordination with the department, the
4 development and delivery of ongoing training of the
5 designated local public entity's employees in the biology,
6 survey, and treatment of Pierce's disease and its vectors.

7 (3) The identification within the designated local
8 public entity of a local Pierce's disease coordinator.

9 (4) The proposed treatment of Pierce's disease and its
10 vectors. Treatment programs shall comply with all
11 applicable laws and regulations and shall be conducted in
12 an environmentally responsible manner.

13 (5) In coordination with the department, the
14 development and implementation of a data collection
15 system to track and report new infestations of Pierce's
16 disease and its vectors in a manner respectful of property
17 and other rights of those affected.

18 (6) On an annual basis, while funds appropriated by
19 this section are available for encumbrance, the
20 department shall review the progress of each local public
21 entity's activities regarding Pierce's disease and its
22 vectors and, as needed, make recommendations
23 regarding those activities to the local public entity.

24 (i) Notwithstanding Section 7550.5 of the Government
25 Code, the department shall report to the Legislature on
26 January 1, 2001, *and each January 1 while this section is*
27 *operative*, regarding its expenditures, progress, and
28 ongoing priorities in combating Pierce's disease and its
29 vectors in California.

30 (j) This article shall become inoperative on January 1,
31 2006, and as of January 1, 2007, is repealed, unless a later
32 enacted statute that is enacted before January 1, 2007,
33 deletes or extends the dates on which it becomes
34 inoperative and is repealed.

35 SEC. 2. This act is an urgency statute necessary for the
36 immediate preservation of the public peace, health, or
37 safety within the meaning of Article IV of the
38 Constitution and shall go into immediate effect. The facts
39 constituting the necessity are:

1 The severity of the disease requires it to be addressed
2 expeditiously in order to protect California's grape
3 industry, therefore it is necessary for this act to take effect
4 immediately.

O

